

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ALEXANDER DYLAN GREEN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:05-cv-215
)	3:05-cv-268
TIMOTHY HUTCHISON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Pending before the court in this civil action is the motion of defendant Hartford Insurance Company to dismiss the claims against it for failure to state a claim [doc. 24]. The plaintiffs have not responded to the motion, and the motion is ripe for the court's consideration.

The court agrees with Hartford Insurance Company that it should be dismissed as a defendant. Basically, the plaintiffs allege that if defendant Sheriff Hutchison is found liable for the plaintiff's damages, then Hartford is "liable to the STATE OF TENNESSEE for the use and benefit of Plaintiffs as the surety on Defendant Hutchison's official bond." None of these allegations, however, relate to any acts that Hartford Insurance Company has or has not done, but rather only to its position as the surety on the Sheriff's bond. In the absence of any claims

that Hartford Insurance Company has failed its surety responsibilities, neither the individual plaintiffs nor the State of Tennessee¹ have stated a claim against this defendant.

Therefore, it is hereby **ORDERED** that the motion of defendant Hartford Insurance Company to be dismissed from this lawsuit is **GRANTED**.

ENTER:

s/ Leon Jordan
United States District Judge

¹ It is not at all clear that the plaintiffs can name the State of Tennessee as a plaintiff without first notifying the State and seeking the State's permission.